

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JORDAN SCHNUR, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

PAPA JOHN'S INTERNATIONAL, INC.,  
d/b/a PAPA JOHN'S,

Defendant.

Civil Case No. 2:22-cv-01620-NR

**DECLARATION OF ZIWEI SONG IN SUPPORT OF DEFENDANT'S  
MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

I, Ziwei Song, declare as follows:

1. I am an attorney at Covington & Burling LLP, counsel for Defendant Papa John's International, Inc. ("Papa John's") in this action. I have personal knowledge of the facts set forth herein and, if called upon to testify, could and would testify competently about them.

2. I submit this declaration in support of Papa John's motion to dismiss.

3. Attached hereto as **Exhibit 1** is a true and correct copy of a PDF printout created under my supervision of Papa John's Privacy Policy saved by the Internet Archive's Wayback Machine as of November 22, 2022, and available at <http://web.archive.org/web/20221122130759/https://www.papajohns.com/privacy-policy.html>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 21, 2023.

/s/ Ziwei Song  
Ziwei Song

# **EXHIBIT 1**



**MENU SPECIALS PAPA REWARDS**

# PRIVACY POLICY

Effective Date Jan. 1, 2012 (last updated October 13, 2021)

This Privacy Policy applies to the sites and apps where it appears, and any location or interaction where we collect personal information from you.

This Policy describes how we treat personal information. This includes [www.papajohns.com](http://www.papajohns.com). It also applies to our mobile sites and apps, all ordering channels, our social media pages, and your interactions with us offline, including information we obtain through phone or in-person orders. It also describes your choices regarding how we use and disclose your information. By interacting with us on our sites, platforms and locations, you agree to the terms in this Policy.

## WE COLLECT INFORMATION FROM AND ABOUT YOU.

- **We collect contact and profile information.**

For example, we might collect your name, address, profile preferences and favorites if you register on our site. We might also collect your phone number or email address.

- **We collect login credentials.**

For example, we will collect passwords and other information for user authentication and account login.

- **We collect transaction data.**

For example, we may collect items purchased, amount purchased, transaction date/time and whether you used a discount or promo code when making in-store or online purchases.

- **We collect payment information.**

For example, we collect your credit/debit card number, expiration date and security code if you make a purchase.

- **We collect information you submit or post.**

For example, we may collect the information you post in a public space on our site. We also collect information when you contact us or complete a survey.

- **We collect information about your device's location.**

For example, we may approximate your location based on your IP address. We may also collect location data through GPS or other similar methods.

- **We collect information about your interactions and use of our website and mobile applications.**

For example, we may collect the date/time you access our website or mobile applications, the pages you access and the web site you came from, or visit when you leave. We may also collect information about your interactions with our emails and advertisements.

- **We collect information about the connectivity and configuration of your device.**

For example, we may collect data about the type of device you use, the operating system and browser you use, your internet service provider, your device's regional and language settings, and other similar information. We may also collect your IP address or other device identifiers.

- **We collect information from franchisees and other business partners.**

For example, we may collect information about you from our franchisees, affiliates and other business partners to provide you services, sell or distribute our products, communicate with you or provide you advertisements or other personalized content. We may also collect information from data sellers to enhance or supplement your customer information.

- **We collect information from job applicants.**

For example, we may collect resume, education and employment history from job applicants. We may also ask about your skills, certificates, and qualifications. We may collect background check results.

- **We collect information from social media platforms.**

For example, when you “Like/Follow” us or share our content on social media platforms, we may collect information about your social media profile. The information we collect is dependent upon your privacy settings with the social network.

## **WE USE INFORMATION AS DISCLOSED AND DESCRIBED HERE.**

- **We use information to deliver our products and services to you.**

We may use your information to complete your order, process your payments and deliver your orders to you. We may also use your information to verify your identity, maintain your account, personalize your experience and facilitate our loyalty program.

- **We use information to respond to your requests or questions.**

For example, we might use your information to provide customer service and respond to your customer feedback. We may use your information to contact you about your orders or rewards. We may also use your information to process your job application. This may include the interview and hiring decision process.

- **We use information to improve our products and services.**

We may use your information to make our website and products better. We might use your information to debug and repair system errors. We may use your information to customize your experience with us.

- **We use information for security purposes.**

We may use information to protect our company, our customers, and our websites from malicious or fraudulent activity and prosecute those responsible.

- **We use information for marketing purposes.**

For example, we might provide you with information about new products, restaurants in your area, and special offers. We might also use your information to serve you ads about products and offers. We might tell you about new features or updates. These might be third party offers or products we think you might find interesting. We may also use push notifications on our mobile apps.

- **We use information to communicate with you about your account or our relationship.**

We may contact you about your account or feedback, including transaction confirmations, technical notices and security alerts. We might also contact you about this Policy or our website Terms of Use.

- We use information to comply with legal requirements and obligations, or as otherwise permitted by law or as we may notify you.

## **WE COLLECT INFORMATION IN DIFFERENT WAYS.**

- **We collect information directly from you.**

For example, if you register with us, sign up for our emails, enter a promotion or participate in a survey. We also collect information if you contact us. We collect information if you submit orders through our websites or mobile apps. We also collect information if you apply for a job.

- **We collect information from you passively.**

We use tracking tools like browser cookies and web beacons. To learn more about these tools and how you can control them, [click here](#). We collect information about users over time when you use this website. We may have third parties collect personal information this way. We also collect information from our mobile apps.

- **We get information about you from third parties.**

For example, our business partners may give us information about you. Social media platforms may also give us information about you. If you apply for a job, your references and background check vendors may also give us information about you.

- **We combine information.**

For example, we may combine information that we have collected offline with information we collect online. Or we may combine information we get from a third party with information we already have.

## **WE MAY SHARE INFORMATION WITH OTHERS.**

- **We will share information with our franchisees and affiliates.**

For example, we share information with our franchisees and affiliates to complete your orders and process your payments. We may also share information with our franchisees to provide local offers and promotions that might interest you.

- **We will share information with others who perform services on our behalf.**

For example, we share information with vendors who provide mailing or email services, tax and accounting services, product fulfillment, delivery services, payments processing, data enhancement services, fraud prevention, maintaining and operating our web site and applications, data analytic services, and other business purposes. This also includes vendors that support the job applicant process. We may also share information with marketing partners who help facilitate online advertising. We may also engage vendors or service providers to collect information on our behalf.

- **We will share information with our promotional partners.**

For example, we will share information with third parties who co-sponsor a promotion. These partners may send you information about events and products by mail or email.

- **We will share information if we think we have to in order to comply with the law or to protect ourselves.**

For example, we will share information to respond to a court order or subpoena. We may share it if a government agency, investigatory body, or law enforcement requests it. We might share information when we are enforcing our Terms of Service or protecting the security or integrity of our Systems or investigating potential fraud.

- **We may share information with any successor to all or part of our business.**

For example, if part of our business was sold we may give our customer list as part of that transaction.

- **We may share information for other reasons we may describe to you.**

## **YOU HAVE CERTAIN CHOICES AND RIGHTS ABOUT HOW WE USE YOUR INFORMATION.**

- **You can review and update your account information.**

You can correct, update or delete your account information by accessing and making the change within your Papa John's online account.

- **You can opt out of receiving our marketing emails and/or text messages.**

To stop receiving our promotional emails or text messages, log in to your account and change your settings or follow the instructions in any promotional message you get from us. Even if you opt out of getting marketing messages, we will still send you transactional messages. These include responses to your questions.

- **You can control cookies and tracking tools.**

To learn how to manage how we - and our vendors - use cookies and other tracking tools, please [click here](#).

- **You can control tools on your mobile devices.**

For example, you can turn off the GPS locator or push notifications on your phone. You may also control precise location tracking by adjusting your location services settings. We may continue to approximate your location based on your IP address.

**California residents' rights.** If you reside in California and are not a job applicant, employee or employee of another company interacting with us in your job role, you have the right to ask us what information we collect and use. You also have the right to ask what information we disclose and sell. You also have the right to request that we delete information we have collected from you. To exercise your rights contact us the Privacy Hotline at 833-727-2596 (833-PAPA-596) or visit the online California Consumer Privacy Rights [Request Form](#). We will verify your request by using the



information you provide to us when you submit a request and matching it with information we already have about you. We will not discriminate against you because you have exercised any of your rights under the California Consumer Privacy Act. You can designate someone else to make a request by having them submitting to us a completed "Authorized Agent Designation" form. You can obtain the designation form by emailing us at [privacy@papajohns.com](mailto:privacy@papajohns.com)

**Sales of information.** Under California law we are required to tell you if we "sell" information as that term is defined by applicable law. Sell means to share personal information with a third party for monetary or other valuable consideration. California residents, we do not do this based on our understanding of that term. We do not sell personal information of minors under the age of 16. We also have disclosure obligations in Nevada. There, we do not exchange Nevada residents' personal information for money. Nevada residents may opt out of the future sale of their information by emailing us at [privacy@papajohns.com](mailto:privacy@papajohns.com).

- **These sites and apps are not intended for children.**

Our sites and apps are meant for adults. We do not knowingly collect or solicit personal information from children under 13 without permission from a parent or guardian. If you are a parent or legal guardian and think your child under 13 has given us information without your permission, you can email us and request that your child's information be corrected or deleted. You can also write to us at the address listed at the end of this Policy. Please mark your inquiries "COPPA Information Request." Parents, you can learn more about how to protect children's privacy on-line [here](#).

- **We use standard security measures.**

Security of your information is very important to us. However, the Internet is not 100% secure. We cannot promise that your use of our sites will be completely safe. We encourage you to use caution when using the Internet. This includes not sharing your passwords.

We keep personal information as long as it is necessary or relevant for the practices described in this Policy. We also keep information as otherwise required by law.

- **We store information both within and outside the United States.**

Information we maintain may be stored both within and outside of the United States. If you live outside of the United States, you understand and agree that we may transfer your information to the United States. This site is subject to U.S. laws, which may not afford the same level of protection as those in your country. Your use of our Web Site and Applications or provision of any information constitutes your consent to the transfer, processing, usage, sharing, and storage of your information in the U.S. and other jurisdictions as set forth in this Privacy Policy.

- **We may link to other sites or apps or have third party services on our platforms we don't control.**

If you click on a third party link, you will be taken to platforms we do not control. This Policy does not apply to the privacy practices of those platforms. Read the other companies' privacy policies carefully. We are not responsible for these third parties.

Our site may also serve third party content that contains their own cookies or tracking technologies. To learn more, [click here](#). We do not control the use of those technologies.

- **Feel free to contact us if you have more questions.**

If you have any questions about this Policy or want to correct or update your information, please email us at [privacy@papajohns.com](mailto:privacy@papajohns.com)

**You can also write to us at:**

- Papa John's International, Inc.
- P.O. Box 99900
- Louisville, Kentucky 40269-0900

**You may seek an alternative format.**

Alternative formats of this Privacy Statement are available to individuals with a disability. Please contact us at [privacy@papajohns.com](mailto:privacy@papajohns.com) for assistance.

## Our Company

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About Papa John's

Investor Relations

Careers

## Our Pizza

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Nutritional Info

Allergen Guide

Ingredients

Quality Guarantee

## Help

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Customer Service

Ordering

Gift Cards

Store List

## Careers

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Corporate

Papa John's Stores

Become a Driver



## OPEN A FRANCHISE

International Sites

[Privacy](#) [Cookies](#) [Terms of Use](#) [Site Map](#) [Text & Email Offers](#) [Pizza Deals & Specials](#)

[Facebook](#)[Twitter](#)[YouTube](#)[Instagram](#)

Offers good for a limited time at participating U.S. Papa John's restaurants. Prices may vary. Not valid with any other coupons or discounts. All beverage related trademarks are registered Trademarks of PepsiCo, Inc. Some offers require the purchase of multiple pizzas. Some offers may be available online only. No triple toppings or extra cheese. Certain toppings may be excluded from special offer pizzas or require additional charge. Additional toppings extra. Limit seven toppings to ensure bake quality. Limited delivery area. Delivery fee may apply and may not be subject to discount. Minimum purchase may be required for delivery. Customer responsible for all applicable taxes.

No purchase necessary. MSG and Data rates may apply. [Click here](#) for SMS term and conditions for terms and conditions. Text HELP for help. Six (6) message per month. Text CANCEL to cancel.

Customer Care Team [Contact Us](#).

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Canada: Adults and youth (ages 13 and older) need an average of 2,000 calories a day, and children (ages 4 to 12) need an average of 1,500 calories a day. However, individual needs vary.

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